



**PROPOSED RULE MAKING
(RCW 34.05.320)**

CR-102 (7/22/01)
**Do NOT use for expedited
rule making**

Agency: Department of Labor and Industries

- ☒ Preproposal Statement of Inquiry was filed as WSR 02-07-103 on 3/20/02 ; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice
to WSR _____
☐ Continuance of WSR _____

(a) Title of rule: (Describe Subject) Chapter 296-307 WAC, Cholinesterase Monitoring

Purpose: The department of labor and industries has begun this rule-making effort at the direction of the Washington State Supreme Court following a successful lawsuit by farm workers who were exposed to the hazard posed by organophosphate and N-methyl-carbamate cholinesterase-inhibiting pesticides. See Rios v. Dep't of Labor and Indus., 145 Wn.2d 483, 39 P3.d 961 (2002). The proposed rule would apply to all agriculture employers and workers covered by chapter 296-307 WAC, which includes the pesticide Worker Protection Standard, WAC 296-307-107. The department currently has a set of voluntary cholinesterase monitoring recommendations in place, since 1993. See WAC 296-307-14520. See attachment (a)

Other identifying information: None

(b) Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.240.

Statute being implemented: Chapter 49.17 RCW

(c) Summary: L&I has begun this rule-making effort at the direction of the Washington State Supreme Court following a successful lawsuit by farm workers who were exposed to the hazard posed by organophosphate and N-methyl-carbamate pesticides. The proposed rule would apply to all agriculture employers and workers covered by the WISHA Safety Standards for Agriculture, chapter 296-307 WAC, and the pesticide Worker Protection Standard, WAC 296-307-107.

Reasons supporting proposal:
See attachment (a)

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting.....Tracy Spencer	Tumwater	360-902-5530
2. Implementation.... Michael A. Silverstein	Tumwater	360-902-5495
3. Enforcement..... Michael A. Silverstein	Tumwater	360-902-5495

(e) Name of proponent (person or organization): Department of Labor and Industries

- ☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:
N/A

(g) Is rule necessary because of:

- | | | |
|-------------------------|---|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

If yes, ATTACH COPY OF TEXT

Citation: Rios v. Dep't of Labor and Indus., 145 Wn.2d 483, 39 P3.d 961 (2002) directed the agency to initiate rulemaking

(h) HEARING LOCATIONS:

See attachment (h)

Submit written comments to:
Cindy Ireland, Project Manager
WISHA Services Division
P.O. Box 44620
Olympia, Washington 98507-4620
FAX (360) 902-5529 By September 12, 2003

DATE OF INTENDED ADOPTION: November 1, 2003

Assistance for persons with disabilities: Contact
Sally Elliott by August 4, 2003

at (360) 902-5484 or yous235@lni.wa.gov

NAME (TYPE OR PRINT)

Paul Trause

SIGNATURE

TITLE

Director

DATE

July 9, 2003

CODE REVISER USE ONLY

WSR # 03-15-032

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

L&I has begun this rule-making effort at the direction of the Washington State Supreme Court following a successful lawsuit by farm workers who were exposed to the hazard posed by organophosphate and N-methyl-carbamate pesticides. The proposed rule would apply to all agriculture employers and workers covered by the WISHA Safety Standards for Agriculture, chapter 296-307 WAC, and the pesticide Worker Protection Standard, WAC 296-307-107. L&I has had a set of voluntary cholinesterase monitoring recommendations in place since 1993, WAC 296-307-14520.

Cholinesterase levels in the blood (red blood cell and plasma cholinesterase) are measured using a simple laboratory blood test. Periodic tests taken throughout the pesticide application season are compared to an individual's normal baseline cholinesterase levels. Baseline levels are determined annually before the pesticide application season begins.

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

The purpose of this rule-making is to:

- Protect the health and safety of pesticide handlers.
- Increase hazard awareness.
- Identify unsafe work practices and trigger interventions.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by writing to:

Reinhold Groepler, Economic Analyst
Department of Labor and Industries
Legislative and Governmental Affairs
PO Box 44001
Olympia, Washington 98504
telephoning: (360) 902-6805
faxing: (360) 902-4202

☐ No. Explain why no statement was prepared

(l) Does RCW 34.05.328 apply to this rule adoption? ☒ Yes ☐ No

Please explain: Significant rule-making criteria does apply to these rule changes.